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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 MICHAEL JOHN MULLINS,

9 Petitioner,

10 v.

11 JAMES E. THATCHER,

12 Respondent.

Case No. C08-5443BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the  
14 Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 6). The Court having  
15 considered the Report and Recommendation, Plaintiff's failure to file objections, and the  
16 remaining record, does hereby find and order:

- 17 (1) The Court adopts the Report and Recommendation; and  
18 (2) This petition is **DISMISSED** because it is time barred.

19 DATED this 20<sup>th</sup> day of November, 2008.  
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23 BENJAMIN H. SETTLE  
24 United States District Judge  
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28 ORDER